

BEFORE THE
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Petition for
Early Termination of Probation of:

INETTE SCHWAM LINSTeAD,

Petitioner.

OAH No. 2011050306

DECISION

This matter was heard before a quorum of the Board of Vocational Nursing and Psychiatric Technicians in Oakland, California, on May 19, 2011. Michael C. Cohn, Administrative Law Judge, State of California, Office of Administrative Hearings, presided.

Nicholas P. Tsukamaki, Deputy Attorney General, represented the Department of Justice, Office of the Attorney General.

Petitioner Inette Linstead represented herself.

FACTUAL FINDINGS

1. Petitioner Inette Schwam Linstead was issued vocational nurse license number VN 163659 on July 16, 1993. In a decision effective April 28, 2007, petitioner's license was revoked upon findings that she had been convicted in 1987 of forgery and in 2002 and 2003 of forgery of a prescription, driving under the influence of alcohol and possession of a controlled substance, and that on her initial application and a renewal application she had failed to report one or more of these convictions. However, finding that petitioner's addiction and abuse of drugs was the major factor in the actions that resulted in her convictions, that petitioner had presented substantial evidence of rehabilitation, and that she was honest and forthcoming in her testimony, the board stayed the order of revocation and placed petitioner on probation for five years upon strict conditions designed to address her past drug abuse issues.

2. Among other probationary conditions, petitioner was required to submit quarterly reports to the board, to pay cost recovery of \$6,325.75, to abstain from the use of alcohol and controlled substances, to participate in a rehabilitation and monitoring program,

to attend a chemical dependency support group, and to submit to random biological fluid testing.

3. Petitioner filed her petition for early termination of probation on January 5, 2011. In that petition, petitioner stated that she was making the request because the requirements of the biological fluid testing had recently changed, increasing the cost and frequency of the testing. This had created both financial and logistical problems – petitioner was widowed in August 2009 and is now raising her daughter alone. Petitioner testified that while she is happy to continue being tested because “it shows my progress,” the increased demands of the testing program (which now require that she call into the system every morning to see if she is to be tested that day) have hindered her ability to commit to attending or participating in her daughter’s school events. She therefore seeks either early termination of probation or a reduction in the testing requirements.

4. Petitioner has fully complied with all conditions of probation. She has never been late with a quarterly report. She made full payment of her cost recovery obligation in July 2007, she completed an alcohol and drug rehabilitation program and she attends Alcoholics Anonymous meetings at least twice a week. She has a sponsor and she has sponsored others. She is quite active in AA, taking on leadership roles. Petitioner has been clean and sober since November 3, 2004.

5. Petitioner’s rehabilitative efforts and her compliance with the terms and conditions of probation have been impressive. Both in her rehabilitation and in her compliance with probation petitioner has demonstrated laudable extra efforts. Protection of the public interest no longer requires that petitioner be under probationary oversight.

LEGAL CONCLUSIONS

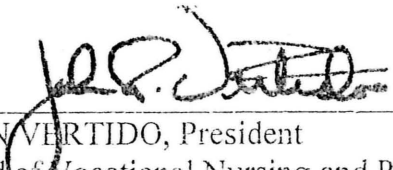
Petitioner established to the satisfaction of the board that it would not be against the public interest to grant early termination of her probation..

ORDER

The petition of Inette Schwam Linstead for early termination of probation is granted. Petitioner’s license shall be fully restored. This order shall be effective immediately.

DATED: July 7, 2011

EFFECTIVE DATE: July 22, 2011



JOHN VERTIDO, President
Board of Vocational Nursing and Psychiatric
Technicians
Department of Consumer Affairs